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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 JACOB R. PRATT,) 3:11-cv-00604-RCJ (WGC)
10 Plaintiff,) **ORDER**
11 vs.)
12 JAMES COX, *et al.*,)
13 Defendants.)
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15 Before the court is Defendants James Cox *et al.*'s Motion to Seal Medical Records Filed in
16 Support of Defendants' Motion for Summary Judgment (Doc. # 18). Plaintiff Jacob R. Pratt has not
17 filed an Opposition Brief.

18 Defendants seek an order sealing a large portion of Pratt's medical records, submitted in four
19 parts as Exhibit T (*see* Docs. # 22, # 22-1, # 22-2). Defendants contend “[t]here is little need for public
20 disclosure of this information, as compared to the significant interest in preserving the confidentiality
21 of this private and sensitive information.” (Doc. # 18 at 2.) Defendants further contend Pratt will not
22 be prejudiced by the sealing of this information because the records will be sent to the Warden's Office
23 at Ely State Prison and “will be made available to [Pratt] for review at his request.” (*Id.*)

24 “Historically, courts have recognized a general right to inspect and copy public records and
25 documents, including judicial records and documents.” *See Kamakana v. City & County of Honolulu*,
26 447 F.3d 1172, 1178 (9th Cir. 2006) (internal quotations and citation omitted). Documents that have
27 been traditionally kept secret, including grand jury transcripts and warrant materials in a pre-indictment
28 investigation, come within an exception to the general right of public access. *See id.* Otherwise, “a

1 strong presumption in favor of access is the starting point.” *Id.*

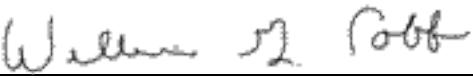
2 A motion to seal documents that are part of the judicial record, or filed in connection with a
 3 dispositive motion, as they are here, must meet the “compelling reasons” standard outlined in
 4 *Kamakana*. Thus, a party seeking to seal judicial records must show that “compelling reasons supported
 5 by specific factual findings . . . outweigh the general history of access and the public policies favoring
 6 disclosure.” *Kamakana*, 447 F.3d at 1178-79. The trial court must weigh relevant factors including “the
 7 public interest in understanding the judicial process and whether disclosure of the material could result
 8 in improper use of the material for scandalous or libelous purposes or infringement upon trade secrets.”
 9 *Pintos v. Pacific Creditors Ass ’n*, 605 F.3d 665, 679 n.6 (9th Cir. 2010) (internal quotations and citation
 10 omitted). While the decision to grant or deny a motion to seal is within the trial court’s discretion, the
 11 trial court must articulate its reasoning in deciding a motion to seal. *Pintos*, 605 F.3d at 679.

12 The court recognizes that the need to protect medical privacy has qualified as a “compelling
 13 reason,” for sealing records in connection with a dispositive motion. *See, e.g., San Ramon Reg ’l Med.*
 14 *Ctr., Inc. v. Principal Life Ins. Co.*, No. C 10-02258 SBA, 2011 WL 89931, at *1 n.1 (N.D. Cal.
 15 Jan. 10, 2011); *Abbey v. Hawaii Employers Mut. Ins. Co.*, Civil No. 09-000545 SOM/BMK, 2010
 16 WL4715793, at *1-2 (D. Haw. Nov. 15, 2010); *Wilkins v. Ahern*, No. C 08-1084 MMC (PR), 2010
 17 WL3755654, at *4 (N.D. Cal. Sept. 24, 2010).

18 Here, all four parts of Exhibit T (totaling 202 pages) contain Pratt’s sensitive health information,
 19 including his medical history, physical examination notes, progress notes, physician’s orders and
 20 medication logs. Balancing the need for the public’s access to information about Pratt’s medical history,
 21 treatment, and condition against the need to maintain the confidentiality of Pratt’s medical records,
 22 weighs in favor of sealing this exhibit. Accordingly, Defendants’ Motion to Seal Medical Records Filed
 23 in Support of Defendants’ Motion for Summary Judgment (Doc. # 18). **GRANTED**.

24 **IT IS SO ORDERED.**

25 DATED: December 19, 2012.

26 
 27 WILLIAM G. COBB
 UNITED STATES MAGISTRATE JUDGE